



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

JANE M. AZIA
BUREAU CHIEF
CONSUMER FRAUDS & PROTECTION BUREAU

May 12, 2021

The Honorable Edgardo Ramos
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *State of New York v. Pennsylvania Higher Educ. Assistance Agency*, No. 19-cv-9155 (ER)

Dear Judge Ramos:

I write to respectfully request that the Court so-order the parties' stipulation, attached as Exhibit A, to amend the Discovery Schedule approved by the Court on January 29, 2021 (Docket No. 72).

Respectfully submitted,

/s/ Carolyn Fast
Carolyn M. Fast
Assistant Attorney General
Bureau of Consumer Frauds and Protection
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-6250

*Attorney for Plaintiff the People of the State
of New York, by Letitia James, Attorney
General of New York*

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PEOPLE OF THE STATE OF NEW YORK,
by LETITIA JAMES,
Attorney General of the State of New York,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, d/b/a
FEDLOAN SERVICING and AMERICAN
EDUCATION SERVICES,

Defendant.

No. 19-cv-9155 (ER)

WHEREAS, on January 7, 2020, the Court approved a Joint Discovery Plan in the above-captioned action (Docket No. 31);

WHEREAS, on May 18, 2020, the Court so ordered an amended Joint Discovery Plan in the above-captioned action (Docket No. 63);

WHEREAS, on May 20, 2020, the Court granted an application to amend the Joint Discovery Plan to correct errors in the parties' previously proposed dates (Docket No. 65);

WHEREAS, on November 10, 2020, the Court so ordered a jointly proposed three-month extension to the deadlines in the Joint Discovery Plan (Docket No. 70);

WHEREAS, on January 29, 2021, the Court so ordered a jointly proposed three-month extension to the deadlines in the Joint Discovery Plan (Docket No. 72);

WHEREAS, the New York State Attorney General's Office, the New York Attorney General's Office and the Pennsylvania Higher Education Assistance Agency (collectively, the

“Parties”) have agreed to jointly propose an additional extension to the deadline in the Joint Discovery Plan for seeking discovery from federal agencies:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, on behalf of the Parties, that

1. The last date to seek discovery from federal agencies is extended from May 21, 2021 to September 8, 2021.¹

Dated: May 12, 2021

Respectfully submitted,

/s/ Carolyn M. Fast
Carolyn M. Fast
Hailey D. DeKraker
Jane M. Azia
Laura J. Levine
BUREAU OF CONSUMER FRAUDS AND PROTECTION
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-6250

Attorneys for Plaintiff the People of the State of New York, by Letitia James, Attorney General of New York

SO ORDERED

Hon. Edgardo Ramos, U.S.D.J.

/s/ Thomas F. Burke
Thomas F. Burke
BALLARD SPAHR LLP
1735 Market St., 51st Floor
Philadelphia, PA 19103-7599
Telephone: (215) 864-8500
Facsimile: (215) 864-8999

Marjorie Peerce (1921683)
BALLARD SPAHR LLP
1675 Broadway, 19th Floor
New York, NY 10019
Telephone: (646) 346-8039

Attorneys for Defendant Pennsylvania Higher Education Assistance Agency

¹ The Parties recognize that either party may seek to obtain discovery from the Department of Education or other federal agencies; as the Parties cannot dictate deadlines for response to federal agencies, the Parties will confer to agree upon reasonable extensions of discovery deadlines to accommodate any delays on the part of federal agencies. If information not reasonably available to a Party prior to September 8, 2021 causes a Party to believe it is necessary to seek discovery from a federal agency after that date, the Parties will confer, and, if unable to reach an agreement as to the necessity, nature, or timing of any further discovery from the agency, will seek the guidance of the Court.